

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF SOUTH CENTRAL BELL)	
TELEPHONE COMPANY FOR CONFIDENTIAL)	
TREATMENT OF INFORMATION FILED IN)	CASE NO.
SUPPORT OF ITS SPECIAL SERVICE)	91-251
ARRANGEMENT CONTRACT WITH VENCOR,)	
INC. FOR TWO ESSX FEATURES)	

O R D E R

This matter arising upon petition of South Central Bell Telephone Company ("South Central Bell") filed July 1, 1991 pursuant to 807 KAR 5:001, Section 7, for confidential protection of South Central Bell's cost support data developed in connection with a Special Service Arrangement Contract with Vencor, Inc. on the grounds that disclosure of the information is likely to cause South Central Bell competitive injury, and it appearing to this Commission as follows:

South Central Bell is seeking approval of a Special Service Arrangement Contract with Vencor, Inc. for Direct Station Selection and Camp-on. These features are provisioned on electronic telephone sets associated with Digital ESSX Service. In support of its application, South Central Bell seeks to protect as confidential the cost support data developed in connection with the Special Service Arrangement Contract.

The information sought to be protected is not known outside of South Central Bell and is not disseminated within South Central

Bell except to those employees who have a legitimate business need to know and act upon the information. South Central Bell seeks to preserve the confidentiality of the information through all appropriate means, including the maintenance of appropriate security at its offices.

807 KAR 5:001, Section 7, protects information as confidential when it is established that disclosure is likely to cause substantial competitive harm to the party from whom the information was obtained. In order to satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

South Central Bell's competitors for ESSX service are providers of PBX equipment. Many of the ESSX features are also provided through PBX equipment. Disclosure of the cost support information for the agreement with Vencor, Inc. would provide South Central Bell's competitors with information with which they could determine South Central Bell's costs and contribution from the service. This information could be used by South Central Bell's competitors to market their competitive service to the detriment of South Central Bell. Therefore, disclosure of the information is likely to cause South Central Bell competitive injury and the information should be protected as confidential.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that the cost support data developed by South Central Bell in connection with its Special Service Arrangement Contract with Vencor, Inc., which South Central Bell has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 31st day of July, 1991.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

Commissioner

ATTEST:


Executive Director